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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,232	12/23/2003	Michael Brent Ford	4148P2463CIP1	6979
23504	7590	05/03/2004	EXAMINER LEE, KEVIN L	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			ART UNIT 3753	
			PAPER NUMBER	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/743,232

**Applicant(s)**

FORD, MICHAEL BRENT

**Examiner**

KEVIN L LEE

**Art Unit**

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 6-8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

It is noted that the claims are not numbered in proper sequential order. Claim 16 follows claim 12 on page 21 of the specification. Claims 16-20 have subsequently been renumbered as claims 13-17.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorkman (U.S. patent no. 5,347,264). The patent to Bjorkman discloses a system for controlling a water supply of a household, the system comprising an electrically controllable valve (9), a control circuit (1) coupled to the valve, and a motion sensor (2) coupled to the control circuit (1) for providing a determination of occupancy of the household, the motion sensor (2) having a zone of activation extending substantially beyond a single water-supplying fixture of the household, col. 3, lines 37-47. The valve system is readable as including a long cycle timer, col. 2, lines 32-35.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorkman. The motion sensors (2) of Bjorkman are provided to determine whether persons are present in the premises, the water supply being activated upon such a determination, col. 2, lines 22-30. In particular regard to claim 4, it would have been an obvious design expedient to one of ordinary skill in the art at the time of the invention to place the motion sensor at an entrance of the household to control the activation of the valve immediately upon people entering the home. In particular regard to claim 10, it would have been an obvious multiplication of parts to provide a plurality of electrically controllable valves, with each of the valves being associated with one or more of the plurality of motion sensors (2).

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorkman in view of White (U.S. patent no. 4,730,637). The valve system of Bjorkman lacks having a thermal detection system coupled to control circuit to shut off the valve upon a detection of a freezing condition. The patent to White teaches the above exception in providing thermal detectors (57) as a part of a water supply pipe. The

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thermal detectors (57) detect a freezing condition of the pipe to cause a controller (11) to shut off an electrically controlled valve (13), col. 5, lines 32-68. In view of the teaching of White, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the valve system of Bjorkman to include a thermal detection system as a part of the control circuit to detect a freezing condition of the water supply pipe and upon such a detection, automatically shut off the electrical valve to prevent a flooding condition.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorkman in view of Massedonio (U.S. patent no. 6,414,601). The valve system of Bjorkman lacks having a seismographic detector coupled to the control circuit to shut off the valve upon the detection of an earthquake condition. The patent to Massedonio teaches the above exception in providing a seismographic sensor (14) to detect an earthquake condition and a control circuit (12) coupled to the sensor (14) to shut off the water upon such a detection of an earthquake condition, col. 2, lines 29-59. In view of the teaching of Massedonio, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the valve system of Bjorkman to include a seismographic detector coupled to the control circuit to close the electrical valve in the event of a detection of an earthquake condition to prevent a flooding condition.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorkman in view of Ames et al (U.S. patent no. 5,038,820). The valve system of

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Bjorkman lacks having the electrically controllable valve actuated based upon a detection of flow of the water supply. The patent to Ames et al teaches the above exception in activating an electrically controllable valve (16) in response to detected fluid flow from a flow sensor (14), the valve being closed if continuous flow is detected in the conduit for a period exceeding a preselected time, see the abstract. In view of the teaching of Ames et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the valve system of Bjorkman to include detecting a flow of the water supply and controlling the electrically controllable valve in conformity with the detected flow, so that a period of continuous fluid flow exceeding a preselected time can result in the valve being closed to prevent a flooding condition.

***Allowable Subject Matter***

Claims 6-8, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L LEE whose telephone number is (703) 308-1025. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVE SCHERBEL can be reached on (703) 308-1272. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

APRIL 29, 2004

  
**Kevin Lee**  
**Primary Examiner**